

BUSINESS REPORT

**MONTANA HOUSE OF REPRESENTATIVES
61st LEGISLATURE - REGULAR SESSION**

HOUSE STATE ADMINISTRATION COMMITTEE

Date: Wednesday, January 28, 2009
Place: Capitol

Time: 8:00 pm
Room: 455

BILLS and RESOLUTIONS HEARD:

Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Add Postponed (PP) when appropriate:

SB 7, SB 24

EXECUTIVE ACTION TAKEN:

Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Enter P(pass) F(failed) DPAA (do pass as amended) BC(be concurred in) BCAA (be concurred in as amended):

HB193 DPAA _____

HB248 Tabled _____

COMMENTS:



REP. Dennis Himmelberger, Chairman

HOUSE OF REPRESENTATIVES
Roll Call
State Administration COMMITTEE

DATE: Jan. 28, 2009

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
Representative O'Hara	✓	
Representative Dickenson	✓	
Representative Bean	✓	
Representative Belcourt	✓	
Representative Boniek	✓	
Representative Boss Ribs	✓	
Representative Brown	✓	
Representative Caferro	✓	
Representative Hands		✓
Representative Hendrick	✓	
Representative Ingraham	✓	
Representative MacLaren	✓	
Representative Malek	✓	
Representative Phillips	✓	
Representative Van Dyk	✓	
Representative Washburn	✓	
Representative Wilmer		✓
Chairman Himmelberger		✓ ex



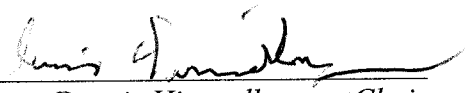
HOUSE STANDING COMMITTEE REPORT

January 28, 2009

Page 1 of 3

Mr. Speaker:

We, your committee on **State Administration** recommend that **House Bill 193** (first reading copy – white) **do pass as amended.**

Signed: 
Representative Dennis Himmelberger, Chair

And, that such amendments read:

1. Title, page 1, line 4.

Following: "OF THE"

Insert: "STATE"

2. Title, page 1, line 5.

Following: "TO"

Insert: "STATE"

Following: "SECTIONS"

Insert: "2-15-102,"

3. Page 1, line 10.

Insert: "**Section 1.** Section 2-15-102, MCA, is amended to read:

"2-15-102. Definitions. As used in this chapter, the following definitions apply:

(1) "Advisory capacity" means furnishing advice, gathering information, making recommendations, and performing other activities that may be necessary to comply with federal funding requirements and does not mean administering a program or function or setting policy.

(2) "Agency" means an office, position, commission, committee, board, department, council, division, bureau, section, or any other entity or instrumentality of the executive branch of state government.

(3) "Data" means any information stored on information technology resources.

(4) "Department" means a principal functional and administrative entity that:

Committee Vote:

Yes 18, No 0

Fiscal Note Required ☐

HB0193001SC.hjd

(a) is created by this chapter within the executive branch of state government;

(b) is one of the 20 principal departments permitted under the constitution; and

(c) includes its units.

(5) "Department head" means a director, commission, board, commissioner, or constitutional officer in charge of a department created by this chapter.

(6) (a) "Director" means a department head specifically referred to as a director in this chapter and does not mean a commission, board, commissioner, or constitutional officer.

(b) The term does not include the state director of Indian affairs provided for in 2-15-217.

(7) "Executive branch" means the executive branch of state government referred to in Article III, section 1, and Article VI of the Montana constitution.

(8) "Function" means a duty, power, or program, exercised by or assigned to an agency, whether or not specifically provided for by law.

(9) "Information technology resources" means hardware, software, and associated services and infrastructure used to store or transmit information in any form, including voice, video, and electronic data.

(10) "Quasi-judicial function" means an adjudicatory function exercised by an agency, involving the exercise of judgment and discretion in making determinations in controversies. The term includes but is not limited to the functions of:

(a) interpreting, applying, and enforcing existing rules and laws;

(b) granting or denying privileges, rights, or benefits;

(c) issuing, suspending, or revoking licenses, permits, and certificates;

(d) determining rights and interests of adverse parties;

(e) evaluating and passing on facts;

(f) awarding compensation;

(g) fixing prices;

(h) ordering action or abatement of action;

(i) adopting procedural rules;

(j) holding hearings; and

(k) any other act necessary to the performance of a quasi-judicial function.

(11) "Quasi-legislative function" generally means making or having the power to make rules or set rates and all other acts connected with or essential to the proper exercise of a quasi-legislative function.

(12) "Unit" means an internal subdivision of an agency, created by law or by administrative action, including a division, bureau, section, or department, and an agency allocated to a department for administrative purposes only by this chapter."

Renumber: subsequent sections

4. Page 2, line 5.

Following: "coordinator"

Insert: "state"

5. Page 5, line 30.

Following: "coordinator's"

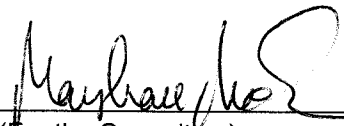
Insert: "state"

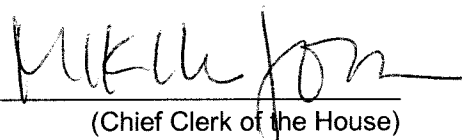
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COMMITTEE FILE COPY

TABLED BILL

The **HOUSE STATE ADMINISTRATION COMMITTEE** TABLED HB 248, by motion, on **Wednesday,**
January 28, 2009.


(For the Committee)


(Chief Clerk of the House)

_____, 1/28
(Time) (Date)

January 28, 2009

Marshall C. McEwen, Secretary

Phone: 4607

**AUTHORIZED
COMMITTEE PROXY**

I request to be excused from the SAYA

Committee because of other commitments. I desire to leave my proxy vote with:

Sue Dickson

Indicate Bill number and your vote Aye or No. If there are amendments, list them by name and number under the bill and indicate a separate vote for each amendment.

BILL/AMENDMENT AYE NO

HB 193 amend	X	
HB 193	X	

BILL/AMENDMENT AYE NO

Rep.

Herb Miller

(Signature)

Date

1/2/09

**Montana House of Representatives
Visitors Register**

State Administration Committee Date 1/28/09

Bill No. HB 24 Sponsor(s) Sen. C. Williams

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Name and Address	Representing	Support	Oppose	Inf.
John Mandinger 1414 Hausen Helena	SHF		<input checked="" type="checkbox"/>	
Sheryl Olson	DCA	<input checked="" type="checkbox"/>		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

**Montana House of Representatives
Visitors Register**

State Administration Committee Date 1/28/09

Bill No. SB7 Sponsor(s) Sen. K. Gebhardt

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Name and Address	Representing	Support	Oppose	Inf.

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

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